

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JULU A. ROSS,

Plaintiff,

vs

9:02-CV-1501

J. McCOY, Supt.; G.A. RYAN, Dept. Supt. SEC.;
ANTHONY, Dept. Adin.; A.J. ANNUCCI, Dep. Comm.;
D. SELSKY, Comm.; FOOD ADMIN. HARRISON;
D. SEITZ, Capt.; J. LAMANNA, Sgt.; SGT. RYERSON;
M. EMERSON, Sgt.; E. WOODARD, D. DEAN,
R. CHAPIN, T. KOTT, G. HINMAN, C. HALL,
J. EAMES, W. BROWN, and JOHN DOE, each C.O.;
JOHN DOE, SGT.; C.O. BEVIER; JOHN DOE C.O. #2;
SERGEANT RYAN; and C.O. EMERSON,

Defendants.

APPEARANCES:

OF COUNSEL:

JULU A. ROSS
Plaintiff, Pro Se
372 Scio Street
Rochester, NY 14605

HON. ELIOT SPITZER
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State of New York
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PATRICK, F. MacRAE, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Julu A. Ross, brought this civil rights action pursuant to 42 U.S.C. § 1983.

By Report-Recommendation dated January 20, 2006, the Honorable David E. Peebles,

United States Magistrate Judge, recommended that all claims against defendants Sgt. Ryerson, E. Woodard, Sergeant Ryan, C.O. Emerson, and the John Doe defendants be dismissed without prejudice. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

Accordingly, it is

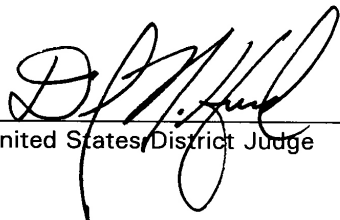
ORDERED that

1. All claims against defendants Sgt. Ryerson, E. Woodard, Sergeant Ryan, C.O. Emerson, and the John Doe defendants are DISMISSED without prejudice; and
2. The case will be scheduled for trial against the remaining defendants..

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: March 1, 2006
Utica, New York.


United States District Judge